

## Beasley, Lynn

---

**From:** Falconer, Caron  
**Sent:** Wednesday, April 09, 2014 1:22 PM  
**To:** Kemker, Carol  
**Cc:** Fifadara, Dipesh; Weeks, Victor  
**Subject:** FW: Ammonia Releases from Ag Operations  
**Attachments:** cafo\_rule\_fact\_sheet.pdf

Please let us know if you need more information.

---

**From:** Weeks, Victor  
**Sent:** Wednesday, April 09, 2014 1:10 PM  
**To:** Kemker, Carol; Falconer, Caron  
**Cc:** Fifadara, Dipesh  
**Subject:** RE: Ammonia Releases from Ag Operations

## CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms

### *Final Rule*

The final rule also **exempts** farms that release hazardous substances from animal waste to the air that meet or exceed their RQ from reporting under the Emergency Planning and Community Right to Know Act (EPCRA) section 304 if they stable or confine *fewer* than the following number of animal species:

1. 700 mature dairy cows, whether milked or dry
2. 1,000 veal calves
3. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs
4. 2,500 swine each weighing 55 pounds or more
5. 10,000 swine each weighing less than 55 pounds
6. 500 horses
7. 10,000 sheep or lambs
8. 55,000 turkeys
9. 30,000 laying hens or broilers, if the farm uses a liquid manure handling system
10. 125,000 chickens (other than laying hens), if the farm uses other than liquid manure handling system
11. 82,000 laying hens, if the farm uses other than a liquid manure handling system
12. 30,000 ducks (if the farm uses other than a liquid manure handling system)
13. 5,000 ducks (if the farm uses a liquid manure handling system)

On December 18, 2008, EPA published a Final Rule, "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms (73 FR 76948) ("the Final Rule"). ([Hide](#))

The Final Rule established exemptions from certain reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA). On January 15, 2009, Waterkeeper Alliance, Sierra Club, the Humane Society of the United States, Environmental Integrity Project, the Center for Food Safety, and Citizens for Pennsylvania's Future (collectively, "Waterkeeper") filed a Petition for Review of the Final Rule. The petition challenged the exemptions under both CERCLA and EPCRA. On March 17, 2009, the National Pork Producers Council filed its Petition for Review challenging a portion of the Final Rule that amended the EPCRA regulations. The two cases were consolidated. On February 11, 2009, the National Chicken Council, National Turkey Federation, and U.S. Poultry & Egg Association moved to

intervene on behalf of EPA to assert their interests in the Final Rule. The case was held in abeyance so that the Parties could participate in the D.C. Circuit Mediation Program. While the mediation process did not resolve the issues raised by all of the Parties, it did raise issues warranting reconsideration of the final rule by EPA. As such, EPA sought and received a voluntary remand, without vacatur of the Final Rule during the re-evaluation period. In this action, EPA is reconsidering the Final Rule based on (1) policy choices that were initially made in the promulgation of the Final Rule, (2) views that were articulated by the Parties during the mediation process and (3) additional data that is now available. The additional data includes data that was collected as part of the National Air Emissions Monitoring Study (NAEMS). EPA's Science Advisory Board (SAB) is currently evaluating draft emissions estimating methodologies (EEMs) based on the NAEMS data. Because EPA intends to use final EEMs as part of the proposed rule, the schedule for the publication of the proposed rule is dependent on a timely finalization of those EEMs.

Sincerely,

Victor L. Weeks  
U.S. EPA Region 4  
Air, Pesticides & Toxics Management Division  
Chemical Emergency Preparedness & Prevention Coordinator  
Atlanta Federal Center  
61 Forsyth ST  
Atlanta, Georgia 30024  
Direct: 404-562-9189  
Cell: 770-363-7715  
FAX: 404-562-9163

---

**From:** Kemker, Carol  
**Sent:** Wednesday, April 09, 2014 12:57 PM  
**To:** Falconer, Caron  
**Cc:** Weeks, Victor; Fifadara, Dipesh  
**Subject:** RE: Ammonia Releases from Ag Operations

Caron, Can you send me a little more detail? What size farms are typically impacted? How often they have to report? Thanks, Carol

---

**From:** Falconer, Caron  
**Sent:** Wednesday, April 09, 2014 9:57 AM  
**To:** Kemker, Carol; Weeks, Victor  
**Cc:** Fifadara, Dipesh  
**Subject:** RE: Ammonia Releases from Ag Operations

Ammonia releases from hog farms are reportable.

Please let me know if you need more information.

---

**From:** Kemker, Carol  
**Sent:** Wednesday, April 09, 2014 9:29 AM  
**To:** Falconer, Caron; Weeks, Victor  
**Cc:** Fifadara, Dipesh  
**Subject:** Ammonia Releases from Ag Operations

Caron and Victor,

What was the final determination of whether or not ammonia releases from ag operations, like hog farms, are reportable?

Thanks,  
Carol